

ESTTA Tracking number: **ESTTA706204**Filing date: **11/03/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|  |                                     |
|--|-------------------------------------|
| Proceeding.  | 91219109                            |
| Applicant  | Defendant<br>Cuttwood, LLC          |
| Other Party  | Plaintiff<br>Monster Energy Company |
| Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)? | No                                  |

## Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Defendant's Time to Answer is currently set to close on 11/03/2015. Cuttwood, LLC requests that such date be extended for 60 days, or until 01/02/2016, and that all subsequent dates be reset accordingly.

|   |            |
|---|------------|
| Time to Answer :                          | 01/02/2016 |
| Deadline for Discovery Conference :       | 02/01/2016 |
| Discovery Opens :                         | 02/01/2016 |
| Initial Disclosures Due :                 | 03/02/2016 |
| Expert Disclosure Due :                   | 06/30/2016 |
| Discovery Closes :                        | 07/30/2016 |
| Plaintiff's Pretrial Disclosures :        | 09/13/2016 |
| Plaintiff's 30-day Trial Period Ends :    | 10/28/2016 |
| Defendant's Pretrial Disclosures :        | 11/12/2016 |
| Defendant's 30-day Trial Period Ends :    | 12/27/2016 |
| Plaintiff's Rebuttal Disclosures :        | 01/11/2017 |
| Plaintiff's 15-day Rebuttal Period Ends : | 02/10/2017 |

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *Pursuant to 37 C.F.R. Â§ 2.117(c), the parties hereby move jointly to extend by an additional sixty (60) days the suspension period extended by the board in a notification to the parties dated September 7, 2015. The requested continued suspension period would expire on January 4, 2016. As set forth in the notification of September 7, 2015, the Board expects a report on the progress of the settlement negotiations between the parties. The Applicant, Cuttwood, LLC, has just engaged new counsel in this matter, and requests time for Applicant's counsel to familiarize himself with these proceedings and the settlement negotiations. That being said, new counsel for Applicant understands that settlement discussions have occurred between prior counsel and Opposer's counsel, and a proposed form of a settlement agreement has been exchanged prior to new counsel being retained. The parties request a sixty (60) day suspension to discuss the proposed draft settlement agreement and allow Applicant's counsel time to familiarize himself with the issues in this proceeding. The parties expect to discuss settlement next week, in hopes of finalizing a written settlement agreement. The parties are eager to resolve this matter expeditiously, and*

*believe that resolution of the outstanding issues could be achieved by the end of the suspension period, if granted.*

Cuttwood, LLC has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Cuttwood, LLC has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,  
/Jonathan W. Brown/  
Jonathan W. Brown  
ip@lglaw.com  
Jonathan.Menkes@knobbe.com  
11/03/2015